

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 2:16-CR-188-RMP

Plaintiff,

ORDER GRANTING  
DEFENDANT'S MOTION  
FOR RELEASE

vs.

JEFFREY D. WINT,

☒ Motion Granted

Defendant.

**(ECF No. 28)**

At the January 18, 2017, hearing on Defendant's Motion for release from custody, ECF No. 28, Defendant was present with counsel Assistant Federal Defender Matthew A. Campbell. Assistant U.S. Attorney Scott T. Jones represented the United States. Both sides argued.

This Court finds there is probable cause Defendant has committed an offense an offense involving a minor victim under 18 U.S.C. § 2252A(a)(2).

The Court considered Defendant's Motion, the Pretrial Services Report filed in November 2016, ECF No. 8, and argument of the parties.

This Court has taken into account the evidence, testimony and information produced at this hearing concerning the nature and circumstances of the offense charged, the weight of the evidence against the Defendant, his history and characteristics, including character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to alcohol and drug abuse, criminal history, record concerning appearance at court proceedings, and the nature and

1 seriousness of the danger to the community posed by Defendant's release.

2 The Court, having considered the proffers of Defendant and Plaintiff, and 18  
3 U.S.C. § 3142, finds the United States has not met its burden and shown by a  
4 preponderance that no combination of conditions will reasonably assure the  
5 Defendant's appearance for further proceedings, and by clear and convincing  
6 evidence that no combination of conditions will reasonably assure the safety of the  
7 community if Defendant is released pending trial.

8 **IT IS ORDERED** Defendant's Motion, **ECF No. 28**, is **GRANTED**.  
9 Defendant shall be released, subject to the following:

10 **STANDARD CONDITIONS OF RELEASE**  
11

- 12 (1) Defendant shall not commit any offense in violation of federal, state or local  
13 law. Defendant shall advise the supervising Pretrial Services Officer and  
14 defense counsel within one business day of any charge, arrest, or contact  
15 with law enforcement. Defendant shall not work for the United States  
16 government or any federal or state law enforcement agency, unless  
17 Defendant first notifies the supervising Pretrial Services Officer in the  
18 captioned matter.
- 19 (2) Defendant shall immediately advise the court, defense counsel and the U.S.  
20 Attorney in writing before any change in address and telephone number.
- 21 (3) Defendant shall appear at all proceedings as required and shall surrender for  
22 service of any sentence imposed as directed.
- 23 (4) Defendant shall sign and complete A.O. Form 199C before being released  
24 and shall reside at the address furnished.
- 25 (5) Defendant shall not possess a firearm, destructive device or other dangerous  
26 weapon.
- 27 (6) Defendant shall report to the United States Probation Office before or  
28 immediately after release and shall report as often as they direct, at such  
times and in such manner as they direct.

- 1 (7) Defendant shall contact defense counsel at least once a week.
- 2 (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful  
3 for any person who is under indictment for a crime punishable by  
4 imprisonment for a term exceeding one year, to possess, ship or transport in  
5 interstate or foreign commerce any firearm or ammunition or receive any  
6 firearm or ammunition which has been shipped or transported in interstate or  
7 foreign commerce.
- 8 (9) Defendant shall refrain from the use or unlawful possession of a narcotic  
9 drug or other controlled substances defined in 21 U.S.C. § 802, unless  
10 prescribed by a licensed medical practitioner in conformance with Federal  
11 law. Defendant may not use or possess marijuana, regardless of whether  
12 Defendant has been authorized medical marijuana under state law.
- 13 (10) Defendant shall surrender any passport to Pretrial Services and shall not  
14 apply for a new passport.

#### 15 **ADDITIONAL CONDITIONS OF RELEASE**

- 16 (14) Defendant shall remain in the Eastern District of Washington while the case  
17 is pending. By timely motion clearly stating whether opposing counsel and  
18 Pretrial Services object to the request, Defendant may be permitted to travel  
19 outside this geographical area.
- 20 (15) Avoid all contact, direct or indirect, with any persons who Defendant would  
21 reasonably know are or may become a victim or potential witness in the  
22 subject investigation or prosecution. Pretrial Services may but is not  
23 required to exempt specific named individuals from this prohibition,  
24 including but not limited to immediate family members or co-workers.
- 25 (16) Avoid all contact, direct or indirect, with known felons or Co-Defendant(s).  
26 Pretrial Services may but is not required to exempt specific named  
27 individuals from this prohibition, including but not limited to immediate  
28 family members or co-workers.
- (18) Refrain from any use of alcohol.
- (19) There shall be no alcohol in the home where Defendant resides.

1 (20) There shall be no firearms in the home where Defendant resides.

2 (21) Defendant may not be in the presence of minors, unless a responsible adult,  
3 who is aware of these charges, is present at all times. Defendant may not be  
4 within 500 feet of schools or playgrounds or places where minors are known  
5 to congregate.

6 (22) Defendant shall not possess or access pornography in any form, electronic or  
7 otherwise. Defendant shall not have access to the internet, or to cell phones,  
8 tablets, computers or any other electronic or digital device with internet  
9 access. Should Defendant obtain employment involving the use of  
10 computers or other digital devices, this condition may be revisited.

11 (27) **Prohibited Substance Testing: If random urinalysis testing is not done**  
12 **through a treatment program, random urinalysis testing shall be**  
13 **conducted through Pretrial Services, and shall not exceed six (6) times**  
14 **per month.** Defendant shall submit to any method of testing required by the  
15 Pretrial Service Office for determining whether the Defendant is using a  
16 prohibited substance. Such methods may be used with random frequency  
17 and include urine testing, the wearing of a sweat patch, a remote alcohol  
18 testing system, and/or any form of prohibited substance screening or testing.  
19 Defendant shall refrain from obstructing or attempting to obstruct or tamper,  
20 in any fashion, with the efficiency and accuracy of prohibited substance  
21 testing.

#### 22 **HOME CONFINEMENT/ELECTRONIC/GPS MONITORING**

23 (28) Defendant shall participate in one or more of the following home  
24 confinement program(s):

25 **Electronic Monitoring:** The Defendant shall participate in a program of  
26 electronically monitored home confinement. The Defendant shall wear, at  
27 all times, an electronic monitoring device under the supervision of U.S.  
28 Probation. In the event the Defendant does not respond to electronic  
monitoring or cannot be found, the U.S. Probation Office shall forthwith  
notify the United States Marshals' Service, who shall immediately find,  
arrest and detain the Defendant. The Defendant shall pay all or part of the  
cost of the program based upon ability to pay as determined by the U.S.  
Probation Office.

1 OR

2 **GPS Monitoring:** The Defendant shall participate in a program of GPS  
3 confinement. The Defendant shall wear, at all times, a GPS device under the  
4 supervision of U.S. Probation. In the event the Defendant does not respond  
5 to GPS monitoring or cannot be found, the U.S. Probation Office shall  
6 forthwith notify the United States Marshals' Service, who shall immediately  
7 find, arrest and detain the Defendant. The Defendant shall pay all or part of  
8 the cost of the program based upon ability to pay as determined by the U.S.  
9 Probation Office.

10 AND

11 **Home detention:** Defendant shall be restricted to his/her residence at all  
12 times except for: attorney visits; court appearances; case-related matters;  
13 court-ordered obligations; or other activities as pre-approved by the Pretrial  
14 Services Office or supervising officer, including but not limited to  
15 employment, religious services, medical necessities, substance abuse testing  
16 or treatment, or mental health treatment.

17 If a party desires that another Court review this order pursuant to 18 U.S.C.  
18 § 3145, that party shall promptly file a motion for review before the district judge  
19 to whom the case is assigned, as further described in the Detention Order Review  
20 Protocol published for the Eastern District of Washington. Both parties shall  
21 cooperate to insure that the motion is promptly determined.

22 **IT IS FURTHER ORDERED** Defendant's release is **stayed** until **5:00**  
23 **p.m. on Thursday January 20, 2017.**

24 DATED January 18, 2017.



26

A handwritten signature in black ink, appearing to be "M" or "Rodgers".

27  
28  
JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE